

**1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NOVOZYMES A/S,  Plaintiff  v.  GENENCOR INTERNATIONAL, INC., and  ENZYME DEVELOPMENT CORPORATION  Defendants	C.A. No. 05-160-KAJ
--	---------------------

**STIPULATED SCHEDULING ORDER FOR CONDUCT OF DAMAGES PHASE**

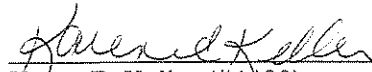
IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, as follows:

1. The party with the burden of proof on any damages issue shall serve any expert reports on or before **July 21, 2006**, and answering or rebuttal reports shall be served on or before **August 11, 2006**.
2. All discovery relating to the damages issues in this case, including any expert discovery relating to the damages issues, shall be initiated so that it will be completed on or before **August 25, 2006**.
3. The proposed final pretrial order with respect to the Phase II (damages) trial shall be filed with the Court on or before **August 28, 2006**.
4. All other deadlines as set forth in the Court's October 28, 2005 First Amended Scheduling Order (D.I. 70) regarding Phase II of this matter shall remain in effect.

RESPECTFULLY SUBMITTED UPON AGREEMENT AND STIPULATION:

NOVOZYMES A/S  
By its attorneys

GENENCOR INTERNATIONAL INC.  
AND ENZYME DEVELOPMENT  
CORPORATION  
By their attorneys:

  
\_\_\_\_\_  
Karen E. Keller (#4489)  
YOUNG CONAWAY  
STARGATT & TAYLOR LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 571-6600  
*Attorneys for Plaintiff*

\_\_\_\_\_/s/ Donald E. Reid\_\_\_\_\_  
Donald E. Reid (#1058)  
MORRIS NICHOLS  
ARSHT & TUNNELL  
1201 N. Market Street  
PO Box 1347  
Wilmington, Delaware 19899  
(302) 575-7219  
*Attorneys for Defendants*

SO ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Kent A. Jordan  
United States District Court Judge

## Other Documents

1:05-cv-00160-KAJ Novozymes A/S v. Genencor International, Inc. et al

**U.S. District Court**

**District of Delaware**

### Notice of Electronic Filing

The following transaction was received from Keller, Karen entered on 6/30/2006 at 10:57 AM EDT and filed on 6/30/2006

**Case Name:** Novozymes A/S v. Genencor International, Inc. et al

**Case Number:** 1:05-cv-160

**Filer:** Genencor International, Inc.  
Novozymes A/S  
Enzyme Development Corporation

**Document Number:** 133

### Docket Text:

Joint STIPULATION Regarding Scheduling Order for Conduct of Damages Phase by Novozymes A/S, Genencor International, Inc., Enzyme Development Corporation. (Keller, Karen)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

### Electronic document Stamp:

[STAMP dcecfStamp\_ID=1079733196 [Date=6/30/2006] [FileNumber=238072-0]  
[8ef7e4bdc87787c879a88716fda3823b1ede3c862a372a2572e210b89a8b7fa3c23e  
f1f82fd4bddff625dea54f95cff74d7aca9f5915d75087173332048dfa80]]

### 1:05-cv-160 Notice will be electronically mailed to:

Josy W. Ingersoll jingersoll@ycst.com, corporate@ycst.com; cglover@ycst.com; corpcal@ycst.com

Karen Elizabeth Keller kkeller@ycst.com, corpcal@ycst.com

Steven E. Lipman slipman@darbylaw.com,

Donald E. Reid dreid@mnat.com, aropp@mnat.com

Kevin L. Reiner kreiner@darbylaw.com,

Joseph R. Robinson jrobinson@darbylaw.com,

Robert Schaffer rschaffer@darbylaw.com,

Robert C. Sullivan rsullivan@darbylaw.com,

Samuel S. Woodley swoodley@darbylaw.com,

**1:05-cv-160 Notice will be delivered by other means to:**

**2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVOZYMES A/S,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-160-KAJ
	)	
GENENCOR INTERNATIONAL, INC. and	)	
ENZYME DEVELOPMENT CORPORATION,	)	
	)	
Defendants.	)	

**FIRST AMENDED SCHEDULING ORDER**

At Wilmington this 28<sup>th</sup> day of October, 2005,

IT IS ORDERED that the court's July 5, 2005 Scheduling Order (D.I. 32), is hereby amended as follows:

1. Case Dispositive Motions. Case dispositive motions relating to damages, with opening briefs, and affidavits, if any, shall be served and filed on or before March 3, 2006. Briefing will be presented pursuant to the Court's Local Rules.
2. Hearing on Claim Construction. The parties have agreed that issues relating to claim construction will be addressed at the time of the Phase 1 Trial.
3. Applications by Motion. Except as otherwise specified herein, any application to the Court shall be by written motion filed with the Clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to Chambers. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.
4. Phase 1 Pretrial Conference. On February 1, 2006, the Court will hold a Final Pretrial Conference in Chambers with counsel beginning at 2:00 p.m., on issues

of liability, including infringement, validity, and unenforceability. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before January 3, 2006.

5. Phase 2 Pretrial Conference. If warranted following the Phase 1 Trial, the Court will hold on September 12, 2006 a Final Pretrial Conference in Chambers with counsel beginning at 4:30 p.m., on issues related to damages. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before August 14, 2006.

6. Motions in Limine. *Motions in limine* shall not be separately filed. All *in limine* requests and responses thereto shall be set forth in the proposed pretrial order. Each party shall be limited to five *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of five pages of argument and may be opposed by a maximum of five pages of argument. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a single five (5) page submission, unless otherwise ordered by the Court.

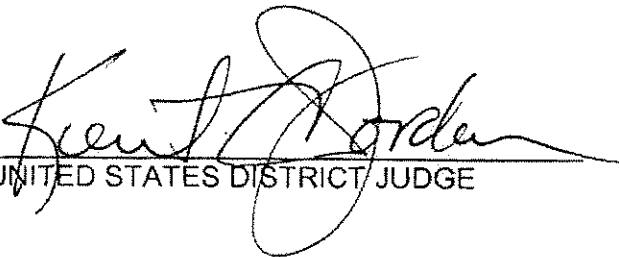


No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

7. Phase 1 Trial. This matter is scheduled for a 3 day bench trial on liability issues, including infringement, validity, and unenforceability, beginning at 9:00 a.m. on March 6, 2006. On March 8, 2006, trial will not resume until 1:30 p.m. For the purpose of completing pretrial preparations, counsel should plan on each side being allocated a total of 9 hours to present their case.

8. Phase 2 Trial. If necessary following the findings and conclusions reached after the Phase 1 Trial, a 3 day bench trial beginning at 9:00 a.m. on October 10, 2006. For the purpose of completing pretrial preparations, counsel should plan on each side being allocated a total of 9 hours to present their case.

All other deadlines as set forth in the Court's July 5, 2005 Scheduling Order (D.I. 32) shall remain in effect.

  
UNITED STATES DISTRICT JUDGE

3



"Hykal, George E."  
<ghykal@Darbylaw.com>

09/20/2006 04:50 PM

To "Jane L Froyd" <jfroyd@JonesDay.com>  
cc "Greg Lanier" <tglanier@JonesDay.com>  
bcc

Subject RE: Pretrial Order and Exhibits

History:

✉ This message has been replied to and forwarded.

Jane,

I do not know of any new documents at the moment. I was just speculating that with new witnesses, there might be new documents.

As far as new witnesses, we have identified Benny Loft. He's a Novozymes A/S employee, who I believe works in the finance/accounting department. I also believe that he's Richard Olofson's boss. He's available on October 5th here in New York. We're in the process of determining if there are any other witnesses, and will let you know tomorrow.

--George

George E. Hykal  
Attorney at Law  
Darby & Darby P.C.  
805 Third Avenue  
New York, NY 10022  
212.527.7697 | Direct  
212.527.7701 | Fax

<http://www.darbylaw.com>

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-----Original Message-----

From: Jane L Froyd [mailto:jfroyd@JonesDay.com]  
Sent: Wednesday, September 20, 2006 6:10 PM  
To: Hykal, George E.  
Cc: Greg Lanier  
Subject: Fw: Pretrial Order and Exhibits

George,

I received your voicemail message responding to my email below, stating that you will not be providing us with the requested documents until next Tuesday. While we do not understand why it will take this long, we will live with that date if we must. Please have them scanned and sent to us first thing Tuesday morning, so that we can meet and confer

regarding all exhibit issues that afternoon.

Your voicemail also indicated that you are considering adding new exhibits to the list. Please let us know what these documents are as soon as possible. We certainly do not understand Judge Jordan's order permitting Defendants to take additional discovery on the issue of NZNA as permitting Novozymes to produce and rely on new documents in support of its position.

Regards,

Jane

---

Jane L. Froyd  
JONES DAY  
2882 Sand Hill Road, Suite 240  
Menlo Park, CA 94025  
650.739.3937 (Direct)  
650.739.3900 (Fax)  
jlfroyd@jonesday.com

----- Forwarded by Jane L Froyd/JonesDay on 09/20/2006 02:50 PM -----

Jane L  
Froyd/JonesDay  
Extension 33937  
To "Hykal, George E."  
09/20/2006 01:36 <ghykal@Darbylaw.com>  
PM  
cc Greg Lanier/JonesDay@JonesDay  
Subject Fw: Pretrial Order and Exhibits

George,

We need to set up a time to meet and confer regarding the exhibit list. Before we have this meeting, however, we need to get from you the exhibits listed below (for which no production numbers or source were indicated on your exhibit list). Please send these to us as soon as possible. We should also discuss when the parties will exchange marked exhibits.

Additionally, we will need to update the Pretrial Order. We would like to file this by October 5th, so we will need to set a date prior to the 5th for exchanging revisions to the joint statement, exhibit list, deposition designations, etc. How about October 2nd?

Regards,

Jane

---

Jane L. Froyd  
JONES DAY  
2882 Sand Hill Road, Suite 240  
Menlo Park, CA 94025  
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650.739.3900 (Fax)  
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----- Forwarded by Jane L Froyd/JonesDay on 09/20/2006 01:30 PM -----

Jane L  
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Extension 33937

To "Hykal, George E."  
09/08/2006 03:12 <ghykal@Darbylaw.com>  
PM

cc "Greg Lanier"  
<tglanier@JonesDay.com>

Subject Pretrial Order and  
Exhibits (Document link: Jane L Froyd)

George,

Per our telephone conversation, the parties agree that we will file an amended joint pretrial submission after the pretrial hearing, as we did in the liability phase of this case.

Also, here is the list of Novozymes exhibits that do not have a production number or a source indication associated therewith on the exhibit list. Please provide us with this information for each exhibit, or send us a copy of the exhibit.

TE282  
TE283  
TE285  
TE358  
TE392  
TE393  
TE394  
TE395  
TE396

Regards,

Jane

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**4**





"Hykal, George E."  
<ghykal@Darbylaw.com>

09/21/2006 01:14 PM

To "Jane L Froyd" <jfroyd@JonesDay.com>  
cc "Greg Lanier" <tglanier@JonesDay.com>  
bcc

Subject RE: Pretrial Order and Exhibits

History:

✉ This message has been replied to and forwarded.

Jane,

We've identified one additional witness on the NZNA issue. His name is Henrik Meyer, and he is the Vice President of Marketing at NZAS. Mr. Meyer is available for deposition this coming Tuesday (9/26) in New York. Both Mr. Loft and Mr. Meyer need to catch flights back to Denmark on the days of their depositions, so we would need to start the depositions early in an effort to be done by 3:30.

To be clear, Novozymes may rely on all of its identified witnesses on the NZNA issue, including Benny Loft, Henrik Meyer, Richard Olofson, Marianne Weil Nonboe, and Jeff Faller.

--George

George E. Hykal  
Attorney at Law  
Darby & Darby P.C.  
805 Third Avenue  
New York, NY 10022  
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From: Jane L Froyd [mailto:jfroyd@JonesDay.com]  
Sent: Thursday, September 21, 2006 2:47 PM  
To: Hykal, George E.  
Cc: Greg Lanier  
Subject: RE: Pretrial Order and Exhibits

George,

We want to depose Mr. Loft and agree to take his deposition on Oct. 5 in New York.

We look forward to hearing from you today whether there are any other witnesses Novozymes intends to call at trial.

Regards,

Jane

---

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